

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary Ronald W. Kazmierczak, Regional Director Northeast Region Headquarters 1125 N. Military Ave., P.O. Box 10448 Green Bay, Wisconsin 54307-0448 Telephone 920-492-5800 FAX 920-492-5913 TDD 920-492-5912

October 9, 2000

Mr. Tom F. Galloway Olson, Kulkoski, Galloway & Vesely, S.C. 416 South Monroe Avenue P.O. Box 368 Green Bay, Wisconsin 54305-0368

Subject:

Case Closure with Groundwater Use Restrictions, Arnie's Service Center,

632 Bellevue Street, Green Bay, Wisconsin WDNR BRRTS #: 03-05-000161

Dear Mr. Galloway:

The Department has received a copies of the completed groundwater use restrictions for the above referenced site (and neighboring property) and proof of filing of these records with the Brown County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above named site has been remediated to the extent practicable under current site conditions. Therefore, conditional closure of this site has been granted and no further action is necessary at this time. In the future, these groundwater use restrictions may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation. The Department's records will now reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at 920-492-5861. The Department appreciates the remedial action taken by your client

Yours truly,

Alan Thomas Nass, P.G., P.S.

May Stone Mare

Hydrogeologist

cc: Mr. Arnie Kelnhofer, 632 Bellevue Street, Green Bay, Wisconsin 54302

Mr. Bob Herubin, NRP, 1140 Ashwaubenon Street, Green Bay, Wisconsin 54304



				.	THIS SPACE RESE	MANAL DEED
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By This Deed, J.	Floyd Ruzek					STER OF DEED! OWN COUNTY
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the following described real estate	Brown		Co	anty,	7. Callow 73 -4 368 14 G 14	Ŋ
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DOCUMENT NO.		3013 I 45	STATE BAR OF WISCONSIN-FORM 3 QUIT CLAIM DEED
913 005		0010 1 40	
RUSSELL J. GREA	TENS		REGISTER OF DEEDS Brown County
ARNOLD W	KELNHOFER and M	ARY LOU	APR - 3 1979
quit-claims to ARNOLD W. KELNHOFER, his wi	.fe,		AT 346 O'CLOCK P.M.
			Buy BARL RESISTER OF SEEDS
the following described real est:	ate in Brown	County,	3"
State of Wisconsin:			Actuan to Atty. Tom Galloway 416 S. Monroe Green Bay, Wis.
			Tax Key No.
to t Addi	s 15 and 16, Blockhe recorded Plattion, in the Cite of Fox River.	of Guesnier's	Second
interest in and in Volume 980 of and Sylvester Paby the said Sylvester Barch 5, 1974, in Brown County Konop Vending March 1984	to a certain lan f Records, Page 7 avlowski as Vende vester Pavlowski and recorded in V , Wisconsin Record achines, Inc. ex-	nd contract rec 12, between J. ee, which land to Konop Vendi folume 1061 of rds, and subsect cuted a Quit (1)	of his right, title and corded June 16, 1972, Floyd Ruzek as Vendor contract was assigned ang Machines, Inc. on Records, Page 112, all quent thereto, the said laim Deed to the Grantor 2:35 o'clock P.M. in 306826, in the Brown
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		s 60	00
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		1 Const	l Nester (SEAL)
	(SEAL)	Russell J	Greatens
	(SEAL))	(SEAL)
Signatures authentics APRIL LINK KEE TITLE: MEMBER STATE B	Jul -	STATE OF WISC Brown Personally of April,	CKNOWLEDGMENT CONSIN County. County. 3 day of 1979 the above named 1 J. Createns
(If not,			
authorized by \$705.06,	Wis. Stats.)		<u> </u>
This instrument was draft	ed by	to me known to	be the person who executed the fore-
Carl W. Kuehne		going instrument	and acknowledged the same.
<u> </u>		Carl W.	
(Signatures may be authentica are not necessary.)	ted or acknowledged. Boti	Notary Public My Commission date:	County, Wis. is permanent. (If not, state expiration, 19, 19,

E PARTURE, Made by Arnold W. Kelni	nofer and	REGISTER OF CHEOS
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COT BEOWE	Caunty Wicongia	
eby conveys and wastant to The City of Gi	reen Bay, a rporation .	CATHY WILLIOUE ITE ORES RESIDENCE OF DEEDS
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Rector County Personally came be		ofer H/M whiled the same,
above named Atnold was Kernholer	and Mary Lou Relnb	oter H/M wifiged the same, published

Bay Title & Abstract

Jack C. May
President

P.O. Box 173 - 345 S. Monroe Ave. Green Bay, Wisconsin 54305

Phone 431-6100 Area Code 920

LETTER REPORT

Attorney Galloway 416 S. Monroe Ave. Green Bay, WI 54305 ATIN: AWA

BCL NO. 31817

A search of the records in the office of the Brown County Register of Deeds. Brown County Clerk of Courts and Brown County Treasurer was conducted on the following:

TRACT DATE: February 8, 1999 at 12:01 AM

LEGAL DESCRIPTION:

Lots Fifteen (15) and Sixteen (16), Block Two (2), and the Southerly Half (5 1/2) of Vacated alley lying adjacent and Northerly thereto, according to the recorded Plat of Guesnier's Second Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin, excepting therefrom that part used for street described in Jacket 14648 Records (Image 27.)

ADDRESS:

632 Bellevue Street, Green Bay, WI 54302

TITLE VESTS:

Arnold W. Kelnbofer and Mary Lou Kelnbofer, husband and wife by virtue of a deed dated April 7, 1984 and recorded April 11, 1984 in Jacket 7972 Records, Image 37, as Doc. No. 1021874. Transfer fee: \$56.00

MORTGAGES:

Mortgage executed by Arnold W. Kelnhofer and Mary Lou Kelnhofer, husband and wife to Denmark State Bank, in the amount of \$85,000.00. dated June 29, 1984 and recorded July 6, 1984 in Jacket 8236 Records, Image 7, as Doc. No. 1028856. (Includes other property)

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	50' _	,,	,,					50'

Lots 15 and 16, Block 2 Guesnier's Second Addition

328574 E. A. Neufeld and Cacilia . Neufeld, his .wif.e, . TO Howard J. Kiefert and Odile Kiefert, husband and wife, joint tenants with right of survivorship Marranty Beed REGISTER'S OFFICE State of Wisconsin GROWN County. Recaived for Record thisday of July , A. D., 1946, at 10.45 U. M., and recorded in Vol. 263 of Deeds on Page 161. . Register of Deeds. Deputy. 1567 Cmin Lt

This Indenture, Made by E. A. Neufeld and Cecilia Neufeld, his wife,

granter sof Brown County, Wisconsin, hereby conveys and warrants to

. Howard J. Kiefert and Odile Kiefert, husband and wife, joint tenants. with right of survivorship grantee s of Brown County, Wisconsin, for

the sum of One Dollar and other valuable consideration

the following tract of land in Brown County, State of Wisconsin;

Lot Number Fourteen (14) in Block Number Two (2), Guesnier's 2nd Addition to the City of Green Bay, according to the recorded Plat thereof, together with buildings and improvements thereon.

It is part of the consideration that grantees are to assume and pay the taxes for the year 1946.

This deed is given pursuant to the terms of a land contract dated August 28, 1943. Grantors do not warrant title as to any claims, liens, or incumbrances of any nature, not incurred by grantors since August 28, 1943.



In Witness Whereof, the said grantor sha vehereunto set their hand g and seal g this 2 day of July , A. D., 19 46.

Signed and Sealed in presence of

Joyce Castonia (Seal)

Cocilia Neufeld (Seal)

(Seal)

(Seal)

Brown County.) ss.

Personally came before me, this 2nd day of July A. D., 19 46.

the above named E. A. Neufeld and Cecilia Neufeld, his wife,

partie knowet to be the

Document Number

GROUNDWATER USE RESTRICTION

220WM COUNTY REGISTER OF DEEDS CATHY WILLIGHETTE

MM MB-4 P326.

Declaration of Restrictions

In Re: Lot Number Fourteen (14) in Block Number Two (2), in Guesniers 2nd Addition to the City of Green Bay, according to the recorded Plat thereof, together with the buildings and improvements thereon.

Recording Area

Name and Return Address

Howard J. Kiefert 1587 Cass Street

Green Bay, Wisconsin 54302

STATE OF WISCONSIN) Parcel Identification Number (PIN)
) ss

COUNTY OF BROWN)

WHEREAS, Howard J. Kiefert and Odile Kiefert, his wife are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on lands adjacent to this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property as identified at the following locations on the adjacent property on following dates: Geoprobe 1 (GP1) on August 21, 1996 - Benzene at 110 micrograms per liter (ug/l), GP2 on August 21, 1996 - Benzene at 170 ug/l and Xylenes at 850 ug/l, Monitoring Well 3 (MW-3) on April 1, 1999 - Benzene at 110 ug/l and Xylenes at 630 ug/l. Locations of Geo-probes and monitoring well are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR

812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owners hereby declare that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or it successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

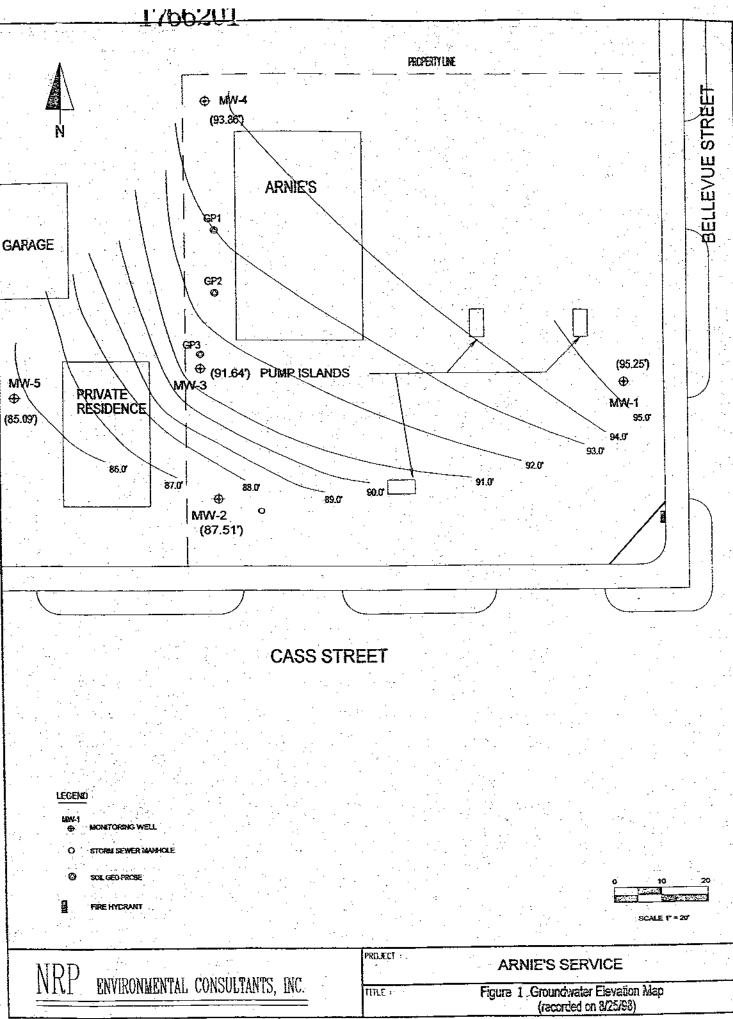
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

Ι	N WITNESS WHEREOF, the owners of the property has executed this Declaration of
F	Restrictions, this <u>3 rel</u> day of <u>Aveu 5+</u> , 2000.
S	Signature: Howard Keefer
F	Printed Name: Howard J. Kiefert
erica Paragraphia Paragraphia	francos de la companya del companya della companya
111	
	Subscribed and sworn to before me
40	$\frac{1}{100} \frac{3 V_{cl}}{100} $ day of $\frac{4 u_{cusT}}{100}$, 2000.
2	120 Julyo Glen Wipp
7. 1	Notary Pholic, State of WIS 4
	Wy commission $\frac{2}{3}$ $\frac{13}{3002}$
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	and the state of t
	Signature: Odile Krekert Printed Name: Odile Kiefert
J	Timed Name. Othe Riefert
J. J.	Subscribed and sworn to before me
C111.	his 2000 day of 414ust, 2000.

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Howard J. Kiefert.

PUNOtary Public, State of wis

My commission $\frac{2|3|2002}{}$



Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY REGISTER OF DEEDS CATHY WELLIQUETTE

200 JUL 18 P 4:10

Declaration of Restrictions

In Re: Lots Fifteen (15) and Sixteen (16), Block Two (2) according to the recorded Plat of Guesniers Second Addition to the City of Green Bay, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin. Also the South one-half of that part of the vacated alley lying between the West line of said Lot 15 and the East line of said Lot 16 extended Northerly, excepting therefrom that part used for street described in Jacket 14648 Records, Image 27.

Recording Area

Name and Return Address Arnie Kelnhofer 632 Bellevue Street Green Bay, Wisconsin 54302

Parcel Identification Number (PIN)

STATE OF WISCONSIN)

COUNTY OF BROWN)

WHEREAS, Arnold W. Kelnhofer and Mary Lou Kelnhofer, his wife are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following locations on the following dates: Geoprobe 1 (GP1) on August 21, 1996 - Benzene at 110 micrograms per liter (ug/l), GP2 on August 21, 1996 - Benzene at 170 ug/l and Xylenes at 850 ug/l, GPB on April 1, 1999 - Lead at 17 ug/l, Benzene at 2300 ug/l, Toluene at 1300 ug/l, Ethylbenzene at 2900 ug/l, Xylenes at 6300 ug/l and Naphthalene at 300 ug/l, GPD on April 1, 1999 - Benzene at 350 ug/l, Ethylbenzene at 1200 ug/l, Xylenes at 4600 ug/l and Naphthalene at 90 ug/l, Monitoring Well 1 (MW-1) on April 1, 1999 - Benzene at 58 ug/l, MW-3 on April 1, 1999 - Benzene at 110 ug/l and Xylenes at 630 ug/l. Locations of Geo-probes and monitoring wells are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owners hereby declare that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

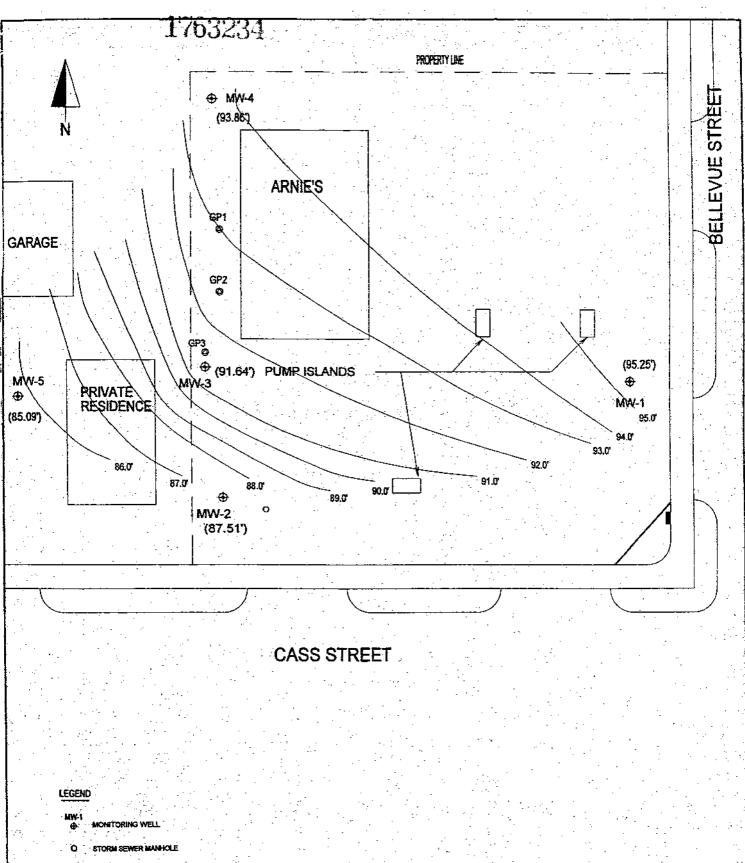
If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owners of the property have executed this Declaration of Restrictions, this
Signature Activity W. Kelnhofer Printed Name: Arnold W. Kelnhofer
Subscribed and sworn to before me this 10 day of 500, 2000. Tom F. Galloway Notary Public, State of 115 My commission 15 DEPUNDANCE
Signature: Mary Lou Kelnhofer D
Subscribed and swom to before me this condition of the state of the st

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Robert C. Herubin, NRP Environmental Consultants Incorporated, and Tom F. Galloway, of Olson, Kulkoski, Galloway & Vesely, S.C.



NRP environmental consultants, inc.

FIRE HYDRANT

PROJECT : ARNIE'S SERVICE

SCALE 1" = 20"

Figure 1 Groundwater Elevation Map (recorded on 8/25/98)



Law Department

Timothy J. Kelley City Attorney

July 24, 2000

Mr. Tom F. Galloway Attorney at Law Olson, Kulkoski, Galloway & Vesely, S.C. P. O. Box 368 Green Bay, WI 54305-0368

Dear Attorney Galloway:

RE:

REQUEST FOR LETTER OF ACKNOWLEDGMENT

ARNIE'S SERVICE CENTER, 632 BELLEVUE STREET, GREEN BAY, WI

WDNR BRRTS NO. 03-05-000161

Your letter dated July 18, 2000, addressed to Doug Daul, City Clerk, and Frank Dadam, Assistant Director of Public Works, has been forwarded to me for review. This letter is in response to your request for a letter of acknowledgment.

The City of Green Bay acknowledges receipt of your July 18, 2000, letter, which also included a letter to you from the State of Wisconsin, Department of Natural Resources, dated July 5, 2000. Based on the information in these documents, the City acknowledges the potential for impacted groundwater to be beneath the roadway that the City of Green Bay may need to take precautions for when excavating or exposing that area.

This letter is written as a service to the property owner of 632 Bellevue Street to help obtain closure to the site from the Wisconsin Department of Natural Resources.

This letter is not intended to act as a bar to any claim or suit against any party as a result of a spill or leak of a hazardous substance as defined by any applicable federal, state, or local rule. If the City of Green Bay is, in the future, required to investigate, clean up, remove, or otherwise remediate under any federal, state, or local rule, then the City of Green Bay may seek reimbursement, indemnification, or contribution for costs from any responsible party.

Very truly yours,

Timothy J. Kelley

City Attorney

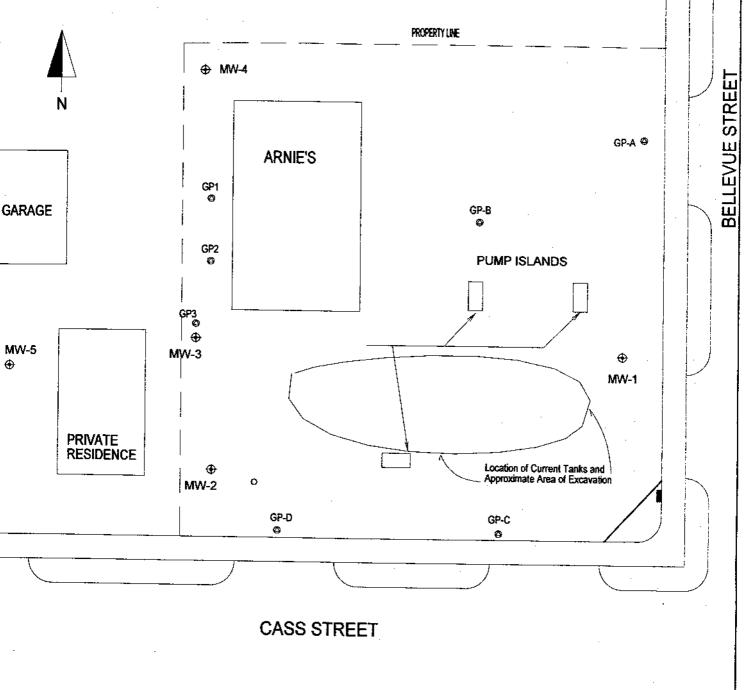
TJK:bc

CC:

Doug Daul, City Clerk

Frank Dadam, Assistant Director of Public Works

Alan Thomas Nass, Hydrogeologist, Department of Natural Resources



LEGEND

MW-1 MONITORING WELL

O STORM SEWER MANHOLE

SOIL GEO-PROBE

FIRE HYDRANT



SCALE 1" = 207

NRP

ENVIRONMENTAL CONSULTANTS, INC.

PROJECT :

ARNIE'S SERVICE

ппьс . Figure 1 - Site Detail Map

TABLE III SUMMARY OF DETECTED GROUNDWATER PARAMETERS LABORATORY RESULTS

							·			 	
Parameter		April 1, 1999						WDNR	WDNR		
(ppb)	MW-1	MW-2	MW-3	MW-4	MW-5	GPA	GPB	GPC	GPD	PAL	ES
* LEAD	NA	NA	NA	NA	NA	91/<1.6	930/17	NA/<1.6	750/3.3	1.5	15
DRO	130	<100	1,400	<100	<100	NA	NA	NA	NA	NE	NE
GRO	290	<50	4,800	<50	< 50	NA	NA	NA	NA	NE	NE
BENZENE	58	.91	110	<.26	<.26	3.7	2300	.27	350	0.5	5
TOLUENE	3.4	<.21	210	<.21	<.21	.30	1300	.44	65	68.6	343
ETHYLBENZENE	22	1.9	280	<.24	<.24	19	2,900	<.32	1,200	140	700
m,p-XYLENE	4.4	<.97	450	<.97	<.97	.71	4,400	<.43	3,400	124	620
o-XYLENE	.88	<.37	180	<.37	<.37	.25	1,900	<.24	1,200	124	620
METHYL-TERT- BUTYL-ETHER	.39	1.2	<2.2	<.22	<.22	.32	<8	<.32	48	12	60
NAPHTHALENE	1.3	<.89	35	<.89	<.89	<.35	300	<.35	90	8	40
1,2-DICHLOROETHANE	NA	NA	NA	NA	NA	<.28	<20	<.79	<70	0.5	5

NOTES

DRO = WDNR modified diesel range organics (in parts per billion) - DRO samples collected on 4/15/99

GRO = WDNR modified gasoline range organics (in parts per billion)

VOC compounds are stated in ppb = parts per billion

WDNR PAL = WDNR NR 149 Preventive Action Limit

WDNR ES = WDNR NR 149 Enforcement Standard

ND = Not detected above the method detection limits

NE = Not established

NA = Not analyzed

"The Pb samples were originally analyzed un-filtered, the samples were then filtered and analyzed-

the first value is unfiltered and the second value is filtered